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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,179	01/15/2002	Kenneth L. Stanwood	112174-010UTL	2846
30868 7590 12/03/2008 KRAMER & AMADO, P.C. 1725 DUKE STREET SUITE 240 ALEXANDRIA, VA 22314			EXAMINER SEPCHECK, GREGORY B	
			ART UNIT 2419	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/053,179

Applicant(s)

STANWOOD ET AL.

Examiner

GREGORY B. SEFCHECK

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-75 and 82-89 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 51-75 and 82-89 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

- Applicant's Request for Continued Examination filed 9/4/2008 is acknowledged.
- Claims 76-81 have been cancelled. Claims 1-50 have been previously cancelled.
- Claims 51, 52, 54, 63-66, and 75 have been amended.
- Claims 82-89 have been added.
- Claims 51-75 and 82-89 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 83 and 85-88 are rejected under 35 U.S.C. 102(e) as being anticipated by Kordsmeyer et al. (US006963751B1), hereafter Kordsmeyer.

- Regarding claim 83,

Kordsmeyer discloses a method in a wireless communication system in which service data units (SDU) are packed and fragmented into protocol data units (PDU) having a header and data field (payload), the SDUs and PDUs associated with a specific user connection (ELT of each PDU; Col. 1, lines 20-65; Abstract; Background;

Fig. 1-2; claim 83 – method of formatting protocol data units (PDUs) from incoming service data units (SDUs) for transmission of data carried by the PDUs over a communication channel shared by one or more user connections).

Kordsmeyer discloses PDUs include an ELT (header) and DAF (payload) based upon the varied services provided over the bandwidth of wireless connections between data sources and data sinks according to a particular protocol (Fig. 2; Col. 1, lines 20-65; claim 83 - provisioning a protocol data unit (PDU), including a header and a payload area, wherein the length of the PDU is established in conjunction with the bandwidth allocated currently to the user connection).

Kordsmeyer discloses SDU4 and a fragment FR3 of SDU5 is stored in the payload of PDU5, along with INFs (subheaders) specifying the length of the SDUs in the DAF of the PDU in order to fully utilize the DAF of each PDU, with corresponding INFs to indicate the fragmentation state of the DAF - the first/continuing/end fragment and length of each SDU (Fig. 2; Col. 8-9, lines 47-23; claim 83 - packing and fragmenting the SDUs associated with the user connection into the payload area of the PDU based on the length of the payload area).

- Regarding claims 85-88,

Kordsmeyer discloses a method and wireless communication system meeting all limitations of the parent claims.

Kordsmeyer discloses how subsequent SDUs are packed and fragmented into PDUs in order to fully utilize the DAF of each PDU, with corresponding INFs to indicate the fragmentation state of the DAF - the first/continuing/end fragment and length of each SDU (Fig. 2; Col. 8-9, lines 60-2; claim 85 - mapping one or more SDUs into the payload area of the PDU until a remaining area in the payload area of the PDU cannot accommodate a next SDU; claim 85 - fragmenting the next SDU into a first and a second fragment, the first fragment having the length of the remaining area; claim 85 - mapping the first fragment to the remaining area; claim 85 - inserting fragmentation header information to indicate the fragmentation state of the payload and to identify the first fragment as being a first fragment; claim 86 - any SDU fragment includes a fragmentation control field identifying the SDU fragment; claim 87 - mapping the second fragment to a next PDU if the length of the second fragment fits into the length of the payload area of the next PDU; claim 87 - inserting fragmentation control information to indicate the fragmentation state of the payload and to identify the last fragment as being a last fragment; claim 88 - further fragmenting the second fragment if the length of the second fragment is larger than the length of the payload area of a next PDU to obtain a third fragment having the length of the payload area of the next PDU; claim 88 - mapping the third fragment to the next PDU; claim 88 - inserting fragmentation control information, to indicate the fragmentation state of the payload and to identify the third fragment).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 51-55, 63-67, 75, 82, 84, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kordsmeyer in view of Pfeffer (US006128293A).

- Regarding claims 51, 63, 75, 84, and 89,

Kordsmeyer discloses a method and wireless communication system in which service data units (SDU) are packed and fragmented into protocol data units (PDU) having an ELT (header) and DAF (payload; Abstract; Background; Fig. 1-2; claim 51.63.89 – node/base station/method in a communications system, that packs and fragments service data units over a communications link as a protocol data unit having a payload area and a header area; claim 51.63.89 – pack and fragment service data units into payload of protocol data units; claim 51.63.89 – means for mapping a first service data unit to the payload area of a protocol data unit).

Kordsmeyer discloses SDU4 and a fragment FR3 of SDU5 is stored in the payload of PDU5, along with INFs (subheaders) specifying the length of the SDUs in the DAF of the PDU in order to fully utilize the DAF of each PDU, with corresponding INFs to indicate the fragmentation state of the DAF - the first/continuing/end fragment and

length of each SDU (Fig. 2; Col. 8-9, lines 47-23; claim 51,63,89 - wherein the payload area of the protocol data unit comprises a corresponding packing subheader specifying the length of each packed service data unit; claim 51,63,89 - wherein the header area of the protocol data unit comprises a length field; claim 51,63,89 - means for determining whether a second service data unit is larger than the remaining payload area of the protocol data unit; claim 51,63,89 - if the second service data unit is not larger than the remaining payload area of the protocol data unit, then means for mapping the second service data unit to the remaining payload area of the protocol data unit; claim 51,63,89 - if the second service data unit is larger than the remaining payload area of the protocol data unit, then means for fragmenting the second service data unit into at least two fragments and means for mapping the first fragment to the payload area of the protocol data unit; claim 89 - subheader fragmentation control field indicating whether the corresponding service data unit is a first fragment, a continuing fragment, a last fragment or an unfragmented service data unit).

Kordsmeyer discloses SDUs and PDUs are associated with a specific user connection/session (corresponding ELT of each PDU; Col. 1, lines 20-65; claim 51,63,89 - PDU and SDU associated with a specific user connection; claim 75 - header area of protocol data unit comprises a connection identifier field).

Kordsmeyer does not explicitly disclose the PDU length varies dynamically based on the current bandwidth allocation of the user connection.

Pfeffer discloses a multiservice access management system (Title) in which variable length frames may be dynamically altered dependent upon active traffic and available bandwidth (Col. 5, lines 22-34; claim 51,63,84,89 - variable length PDU dynamically established based on current bandwidth allocation to the user connection).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kordsmeyer by allowing the PDU length to dynamically vary based on the current connection allocation of bandwidth, as shown by Pfeffer. This would enable greater utilization of system bandwidth and transmission rate.

- Regarding claims 52 and 64,

Kordsmeyer discloses a method and wireless communication system meeting all limitations of the parent claims.

Kordsmeyer discloses transmission of the PDUs as messages (frames) over a wireless connection (Col. 1, lines 20-60; claim 52,64 - transmitter to map the protocol data units into frames and transmit the frames).

- Regarding claims 53 and 65,

Kordsmeyer discloses a method and wireless communication system meeting all limitations of the parent claims.

Kordsmeyer discloses SDUs of various service data - voice and/or packet data (Col. 1, lines 60-65; claim 53,65 – service data units have more than one format).

- Regarding claims 54, 55, 66, 67, and 82,

Kordsmeyer discloses a method and wireless communication system meeting all limitations of the parent claims.

Kordsmeyer discloses INFs (subheaders) specifying the length of each SDU or fragment thereof in the DAF of each PDU in order to fully utilize the DAF of each PDU, with corresponding INFs to indicate the fragmentation state of the DAF as the first/continuing/end fragment and length of each SDU (Fig. 2; Col. 8-9, lines 47-23; claim 54,66 - packing subheader further comprises a fragmentation control field specifying whether the protocol data unit includes a service data unit fragment; claim 82 - first SDU is a last fragment of a SDU).

Kordsmeyer shows the INFs may include information items IN1-IN3, whereas IN1-IN3 indicates whether the DAF of the PDU includes at least a fragment of more than one SDU (claim 55,67 - fragmentation control field comprises at least two bits).

5. Claims 56 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kordsmeyer in view of Pfeffer as applied to claims 51 and 63 above, and further in view of Sengodan et al. (US006918034B1), hereafter Sengodan.

- Regarding claims 56 and 68,

Kordsmeyer discloses a method and wireless communication system meeting all limitations of the parent claims.

Kordsmeyer discloses transmission of SDU fragments in sequential PDUs, but does not explicitly disclose a fragment sequence number in the packing subheader.

Sengodan discloses transferring mobile telephony service data using IP protocol packets (Fig. 1, 3; Col. 1, lines 15-17, 40-52; Col. 3, lines 22-43). Sengodan discloses mapping mini-packets MPs into the payload of a single RTP/UDP/IP packet, where each MP has a corresponding mini-header that includes a length indicator LI of the MP and 2 bit sequence number for marking the order of mini-packets within the IP packet(s) from a single user (claim 56,68 - packing subheader further comprises a fragment sequence number).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a fragment sequence number in the packing subheader of Kordsmeyer, as shown by Sengodan, thereby ensuring proper reception and decoding of the service data in a system in which sequential transmission and reception of service data is not guaranteed.

6. Claims 57-62 and 69-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kordsmeyer in view of Pfeffer as applied to claims 51 and 63 above, and further in view of Caronni et al. (US006970941B1), hereafter Caronni.

- Regarding claims 57-62 and 68-74,

Kordsmeyer discloses a method and wireless communication system meeting all limitations of the parent claims.

Kordsmeyer discloses the use of encryption, but does not explicitly disclose an encryption control/key field in the header of the PDU comprising at least two bits. Kordsmeyer also shows how IN1-IN3 indicates whether the DAF of the PDU includes at least a fragment of more than one SDU, but does not explicitly disclose a subheader present field in the PDU header.

Referring to Fig. 6, Caronni discloses a system and method in an IP network in which a supernet header 620 includes a field 624 for storing encryption key (control information). Caronni discloses a key for each channel (Col. 5, lines 36-38; Col. 6, lines 1-4), thereby necessitating at least two bits to represent the key in a system with more than two channels shown in Kordsmeyer and Pfeffer (claim 59,61,71,73 - header area of the protocol data unit comprises an encryption control/key field; claim 60,62,72,74 - encryption control/key field comprises at least one/two bits).

Additionally, Caronni discloses next header fields that indicate the presence of additional headers prepended to the packet payload (claim 57,69 - wherein the header

area of the protocol data unit comprises a packing subheader present field; claim 58,70
- wherein the packing subheader present field comprises at least one bit).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kordsmeyer and Pfeffer by implementing encryption control/key fields and subheader present fields, as shown by Caronni. This would provide security and further bandwidth optimization in implementing selective fragmentation and packing of SDUs into PDUs shown by Kordsmeyer.

Response to Arguments

7. Applicant's arguments with respect to claims 51-75 and 82-89 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY B. SEFCHECK whose telephone number is (571)272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory B Sefcheck/
Examiner, Art Unit 2419
12-1-2008